

REMARKS

Entry of the foregoing amendments is respectfully requested.

Pursuant to a telephone interview with Examiner Zalukaeva on January 12, 2004, Appellants are submitting the attached set of claims and the following remarks in response to the Final Rejection mailed August 5, 2003.

The claims have now been restricted to the elected species, i.e., three-dimensional copolymers of methacrylonitrile and at least one acrylic or methacrylic comonomer wherein at least one of said acrylic or methacrylic comonomers is cross-linkable. In addition to a cross-linkable acrylic or methacrylic comonomer, the copolymers may include acrylic or methacrylic comonomers providing internal plasticization as well as comonomers carrying an ionic functional group.

Claims 1, 5, 14, 16, 38-42 and 44-49 are now pending in this application. Support for new claims 44-49 may be found, for example, on pages 8-10 of the specification.

With respect to paragraph (1) of the last Office Action, Applicants point out that the salt is not an optional ingredient. Claim 1 did not recite an optional salt but a salt optionally attached to the polymer. The claim has been amended to clarify this point. The claims are not directed to copolymers *per se*, but to solid polymer electrolytes. The terminology solid polymer electrolyte is defined in the specification on page 4, lines 6-8 as "a polymer and a salt which may or may not be attached to the polymer."

Regarding claim 40, Applicants elect lithium tri(fluoromethanesulfonyl)imide as the species of lithium salt.

Claims 1, 2, 4, 5, 16 and 34 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,800,914 to Shiokawa et al. for reasons given in paragraph (6) of the last Office Action. Claims 1, 2, 4, 5, 16 and 34 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,258,234 to Ide et al. for reasons given in paragraph (7) of the last Office Action. Claims 1, 2, 4, 5, 16 and 34 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,873,493 to Labana et al. for the reasons given in paragraph (8) of the last Office Action. Reconsideration and withdrawal of these rejections as applied to the present claims are respectfully requested for at least the following reasons.

The copolymers disclosed in these patents are not electrolytes, i.e., they are not ion conducting materials. The present claims are directed to solid polymer electrolytes comprising three-dimensional copolymers and metal salts. Clearly, the compositions of the references are not anticipatory for this reason alone.

In view of the above amendments and remarks, the §102 rejections should be withdrawn. Such action is earnestly requested.

Claims 1, 40 and 42 were rejected under 35 U.S.C. §102(b) as anticipated by JP-62 219469 for reasons given in paragraph (9) of the last Office Action. Claim 41 was rejected under 35 U.S.C. §103(a) as unpatentable over JP '469 for the reasons given in paragraph (10) of the last Office Action. Reconsideration of these rejections as applied to the present claims is requested for at least the following reasons.

A review of the Abstract indicates that JP '469 relates to polymers such as polymethacrylonitrile as gelling agents for electrolytes. It does not appear that the cited document discloses or suggests solid polymer electrolytes where the polymer is a three-dimensional copolymer of methacrylonitrile and a cross-linkable acrylic or methacrylic comonomer. As such, JP '469 neither anticipates or renders obvious the present claims.

Accordingly, the §102(b) and §103(a) rejections based on JP '469 should be reconsidered and withdrawn.

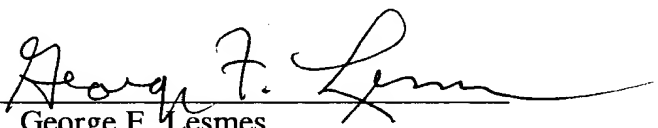
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at her earliest convenience.

Respectfully submitted,

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By: _____



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